

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Fynale Barnwell and Shavell Barnwell,) C/A No.: 3:23-cv-583-SAL
Individually, and as natural parents and)
Guardians of, M.B., a Minor Child,)
)
Plaintiffs,)
)
v.) MOTION TO BE RELIEVED
)
Lexington School District One,)
NICOLE LIVINGSTON, in her individual)
Capacity, and JACOB SMITH, in his)
individual Capacity,)
)
Defendants.)
)

Pursuant to the Federal Rules of Civil Procedure, and the Local Civil Rules of this Court, the undersigned Counsel hereby files this Motion to be Relieved. In support of this motion, the undersigned Counsel states the following:

1. On December 9, 2024, the parties reached a mediated settlement agreement that was reduced in writing and signed by all parties and their Counsel after an all-day mediation where all parties and their Counsel were physically present. Following the mediation, the parties' mediator, Karl Folkens, Esquire, submitted the parties' Alternative Dispute Resolution Tracking Form to the Court and notified the Court that a minor settlement approval hearing will be needed. Thereafter a settlement approval hearing was scheduled by this Court.
2. In the days following the parties' executing the settlement agreement, Plaintiffs Shavell Barnwell and Fynale Barnwell insisted on taking action that the undersigned Counsel respectfully deems repugnant and fundamentally disagrees. Further, the undersigned Counsel believes that as an Officer of the Court the course of action requested would result in a violation of the Rules of Professional Conduct.
3. Counsel consulted with Plaintiffs and informed them of limitations on the requested course of action and explained the matter to Plaintiffs so they could make an informed decision.

Despite Counsel's efforts, Plaintiffs Fynale Barnwell and Shavell Barnwell continued to insist on said their proposed course of action.

4. Accordingly, the undersigned Counsel now seeks an Order from this Court relieving the undersigned as Counsel so that Plaintiffs Fynale Barnwell and Shavell Barnwell may act proceed as they deem fit.
5. Counsel's withdrawal can be accomplished without material adverse on the interests of Plaintiffs Fynale Barnwell and Shavell Barnwell and is in accordance with Rule 1.16 of the South Carolina Rules of Professional Conduct.
6. Pursuant to the Local Civil Rules, Plaintiff Fynale Barnwell's phone number is 803-378-9553 and Plaintiff Shavell Barnwell's phone number is 803-318-2312. Their mailing address is 276 Loskin Ln., Lexington, SC 29073. A separate Attorney Certification will be filed contemporaneous with this filing.
7. Additionally, Plaintiff's will file a Notice of Lien with this Court for the time, labor, costs, and fees due consideration of his labor in this matter and in accordance with the contractual agreement between the undersigned and Plaintiffs.
8. Accordingly, the undersigned requests that he be relieved as Counsel for the Plaintiffs in order to liberate Plaintiffs Fynale Barnwell and Shavell Barnwell to take the courses of action they personally deem fit at this juncture of the case.

s/ Tyler D. Bailey
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